

## **REMARKS**

This Amendment is being submitted simultaneously with a Request for Continued Examination and in response to the Final Office Action mailed July 12, 2007 and Advisory Action mailed October 12, 2007. Claims 7, 12, 15 and 16 have been canceled, without prejudice. Claims 1 and 2 have been amended. New dependent claims 17 & 18 have been added. No new matter has been added. Claims 1-6, 8-11, 13, 14, 17 and 18 remain pending in this application with claims 1 and 2 being the only independent claims. Reconsideration in view of the amendments and remarks presented herein is respectfully requested.

Claims 1-6, 8-11 and 13-16 are rejected under 35 U.S.C. §103(a) as obvious over JP 09-313531 (Nakazawa et al.) in view of U.S. Patent No. 5,899,894 (Palumbo et al.). Claims 7 and 12 are rejected under 35 U.S.C. §103(a) as obvious over Nakazawa et al. in view of Palumbo et al. and U.S. Patent Application Publication No. 2003/0040732 (Ishikawa).

Applicants respectfully traverse the prior art rejections for the reasons presented below.

### **Independent Claims 1 & 2**

Claims 1 and 2 call for “central elastic bodies are affixed to the outer layer sheet at the crotch part positioned along the longitudinal direction of the absorbent body substantially centered in the width direction of the absorbent body.” Nakazawa et al. fails to disclose the claimed “central elastic bodies.” The only elastic bodies disclosed by Nakazawa et al. are the first elastic member 18, second elastic member 19, third elastic member 20 and fourth elastic member 21. However, none of these elastic members are “affixed to the outer layer sheet at the crotch part positioned along the longitudinal direction of the absorbent body substantially centered in the width direction of the absorbent body,” as found in claims 1 and 2.

The Examiner in the outstanding Office Action acknowledges that Nakazawa et al. fails to disclose this limitation and relies on Ishikawa et al. to teach this missing limitation. Ishikawa et al. discloses a pants type disposable diaper having first elastic members 23 attached to the pad 23 (Paragraphs 0029-0030 & Figure 2), specifically first elastic member 23 is bonded to the outer

surface of the backsheet 19 which comprises part of the pad 23 (see Paragraph 0026). Thus, in contrast to the present claimed invention which calls for the central elastic body to be “affixed to the outer layer sheet”, Ishikawa et al. instead teaches first elastic member 23 bonded to the pad 23.

Independent claims 1 and 2 are further distinguishable over Nakazawa et al. in that each states “one end of the third leg part elastic bodies in the longitudinal direction is at least disposed in the vicinity of the dorsal waist part elastic body, the opposite end of the third leg part elastic bodies in the longitudinal direction is at least disposed in the vicinity of the ventral waist part elastic body.” In contrast, Nakazawa et al. teaches in Figure 2 the ends of third elastic member 20 intersecting with the first elastic member 18 and second elastic member 19. Third elastic member 20 is not disposed in the vicinity of the circumference elastic member of the waist 16.

Similarly, claims 1 and 2 further provide “one lateral side of the absorbent body substantially perpendicular to the longitudinal direction is at least disposed in the vicinity of the dorsal waist part elastic body, while the opposite lateral side of the absorbent body is at least disposed in the vicinity of the ventral waist part elastic body.” Nakazawa et al. fails to disclose the absorbent 22 in the vicinity of the circumference elastic member of the waist 16.

In addition, the Examiner in the outstanding Office Action acknowledges that Nakazawa et al. fails to disclose the flap parts are liquid-impermeable and relies on Palumbo et al. as teaching this missing limitation. Palumbo merely mentions liquid-impermeable flaps.

#### **Dependent Claims 17 & 18**

New dependent claims 17 and 18 state “wherein the outer layer sheet is formed by overlapping a liquid impermeable inner sheet piece and a liquid impermeable outer sheet piece.”

Nakazawa et al. fails to disclose or suggest that the outer surface member 14 is formed by overlapping a liquid impermeable inner sheet piece and a liquid impermeable outer sheet piece. None of the remaining prior art references of record teach this missing limitation.

Claims 17 and 18 further specify “the central elastic bodies, the first leg part elastic bodies and the second leg part elastic bodies are disposed between the inner sheet piece and the outer sheet piece.”

Nakazawa et al. fails to disclose or suggest central elastic bodies, the first leg part elastic bodies and the second leg part elastic bodies are disposed between the inner sheet piece and outer sheet piece of liquid impermeable material. Nakazawa et al. does not disclose central elastic bodies, as acknowledged by the Examiner. Nor does Nakazawa et al. teach any elastic bodies disposed between two liquid impermeable sheets. Instead, Nakazawa et al. discloses (Figure 5) elastic members 18, 19, 20, 21 all disposed between a liquid permeable sheet and a liquid impermeable sheet, rather than between two liquid impermeable sheets, as claimed. None of the remaining prior art references of record teach this missing limitation.

For the foregoing reasons applicants submit that claims 1-6, 8-11, 13, 14, 17 and 18 are patentable over the art of record. Applicants submit that the application is now in condition for allowance and passage to issuance is requested.

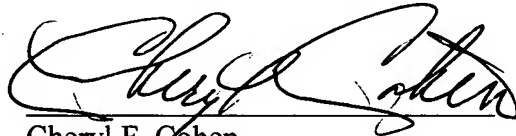
**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 503462.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 503462.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cheryl F. Cohen', written over a horizontal line.

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